

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/866,530	TORTOLA, ANGELO	
	Examiner	Art Unit	
	Alex P. Rada	3712	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address-*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/2/05.
2.  The allowed claim(s) is/are 1-20.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Preliminary Amendment***

In response the preliminary amendment filed August 2, 2005 in which applicant amends claim 1, adds new claims 12-20 and claims 1-20 are pending in this application.

## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Stecewyez Reg. # 34,442 on September 13, 2006.

The application has been amended as follows:

Please delete in claim 1, line 13 after the word surface the period.

The change was authorized by applicant attorney to place the case in condition for allowance

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: The prior art does not disclose nor teach according to claims 1 and 16, an apparatus for providing a digital system, data indicative of the motion of an object comprising a computer peripheral input device against an elongated member translatable in a axial direction along a longitudinal axis and rotatable in a circumferential direction about the longitudinal axis, a swing arm having a distal section for attachment to the object and a proximal section coupled to the elongated member such that

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movement of the object results in corresponding movement of the elongated member, and an engagement surface for engaging an input device of the digital system, the engagement surface being attached to the elongated member such that movement of the elongated member results in corresponding movement of the engagement surface and the input device is placed in contact with the engagement surface, the movement of the engagement surface is conveyed to the digital system via the input device in combination with the rest of the claimed limitations. The closest prior art of Tortola et al discloses an apparatus for estimating practice golf shot deviation and distance comprising an elongated member in an axial direction along a longitudinal axis and rotatable in a circumferential direction, a swing arm having a distal section for attachment to an object and a proximal section coupled to the elongated member such that movement of the object results in corresponding movement of the elongated member and a sensory assembly having a rotation sensor sensing a slotted disk attached to the elongated member rotating with the axial direction between two photo sensors mounted within the housing of the sensory assembly. Tortola et al fail to disclose an engagement surface for engaging an input device of the digital system, the engagement surface being attached to the elongated member such that movement of the elongated member results in corresponding movement of the engagement surface and the input device is placed in contact with the engagement surface, the movement of the engagement surface is conveyed to the digital system via the input device in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mangeri (US 5,255,920), D'Allura (US 5,121,923), Smith (US 5,454,561), and Dennesen (US 5,178,393) all disclose different types golf training devices comprising a swing arm having a distal section for attachment to the object and a proximal section coupled to the elongated member such that movement of the object results in corresponding movement of the elongated member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

APR

**JOHN M. HOTALING, II  
PRIMARY EXAMINER**